

THE STATE OF NEW HAMPSHIRE

BOARD OF MANUFACTURED HOUSING

Jean Goulet,)	Consolidated
Complainant)	Docket Nos. 009-98
Doris T. Aiken,)	
Complainant)	010-98
Mr. and Mrs. Arthur Kimball,)	
Complainants)	011-98
v.)	
Walter and Eleanor Eberhart,)	
D/B/A Lake Side Mobile Home Park)	
Respondents)	

ORDER ON MOTION FOR REHEARING

Upon consideration of Respondent's Motion for Rehearing, the Board enters the following Order:

1. The hearing on this matter was held on December 7, 1998 and an Order issued on February 24, 1999.
2. Respondent has moved for re-hearing based on the following issues:
 - a) That the Board exceeded its jurisdiction by asserting authority to determine the "reasonableness" of Respondent's establishment of parking spaces under authority of RSA 205-A:2, XI;
 - b) That the Board made certain incorrect factual findings regarding the lot size of certain Petitioners;

- c) That certain subsidiary findings of the majority of the Board are contrary to weight of evidence and failed to support the rulings of the law and the order issued;
 - d) That Petitioners failed to sustain their burden of proof that the rule change at issue was unreasonable;
 - e) That the Board's decision affects the rights of all residents in the community, yet those residents were not joined to the action;
 - f) That the Board's decision fails to designate those members voting in favor of the Respondents;
 - g) That the Board's written decision is inconsistent with its ruling at hearing that the Aiken residence was unaffected by the rule change at issue and that her claim would be dismissed.
3. Respondent has offered to place in evidence proof that the Petitioners lots are not smaller than those of many of their neighbors.
4. The Board notes that the difficult balance of equities involved in this matter dictate that it should allow the parties the opportunity to present all relevant evidence for its consideration. To the extent that the Board's ruling in this matter rests, in part, on its finding that the Petitioners lot sizes are smaller than that of many neighbors who are unaffected by the proposed rule change at issue here, the Board believes that Respondents should be allowed to present evidence demonstrating that this finding may be incorrect.
5. In addition, the Board deems it appropriate to accept further argument with respect to the jurisdictional issues raised in Respondent's Motion for Rehearing.

6. Therefore, the Board believes that rehearing of this matter in its entirety is appropriate under the unique circumstances of this case.

THEREFORE, the Respondents Motion for Rehearing is GRANTED. A new hearing in this matter will be scheduled after consultation with the parties.

ORDERED, this ____ day of _____, 1999
BOARD OF MANUFACTURED HOUSING

Kenneth R. Nielsen, Esq., Chairman